

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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PATRICK VARGAS,

No. 2:22-cv-01454 WBS KJN

Plaintiff,

v.

CITY OF TRACY; SOUTH SAN JOAQUIN  
COUNTY FIRE AUTHORITY; RANDALL  
BRADLEY, in his individual and  
official capacity as Fire Chief  
of the South San Joaquin County  
Fire Authority; and DOES 1  
through 20, inclusive,

ORDER RE: DEFENDANT RANDALL  
BRADLEY'S MOTION TO STRIKE  
PRAYER FOR PUNITIVE DAMAGES

Defendants.

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Upon review of the moving papers and following oral  
argument, defendant Randall Bradley's motion to strike  
plaintiff's prayer for punitive damages (Docket No. 29) is hereby  
GRANTED, without prejudice to plaintiff's right to amend the  
complaint to sufficiently allege that defendant Bradley's conduct  
was driven by an evil motive or intent, or involved a reckless or  
callous indifference to the constitutional rights of others, see

1       Morgan v. Woessner, 997 F.2d 1244, 1255 (9th Cir. 1993), or  
2       involved oppression, fraud, or malice, see Cal. Civ. Code § 3294.  
3       Plaintiff has fourteen days from the date this Order is signed to  
4       file an amended complaint consistent with this Order.

5                   IT IS SO ORDERED.

6       Dated: March 7, 2023



7                   WILLIAM B. SHUBB  
8                   UNITED STATES DISTRICT JUDGE

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